

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

Case No. 09-C-0872

NIKOLAOS K. GIANNAKAKIS,
individually and d/b/a NIKO'S
RESTAURANT & LOUNGE,

Defendant.

ORDER OF DISMISSAL

On July 7, 2010, the parties in this action filed a "Stipulation for Settlement." The stipulated terms of settlement include a provision that calls for the defendant to pay to the plaintiff the total sum of \$3,000.00, in monthly installments of \$300.00, commencing August 1, 2010. Another provision calls for the plaintiff to "dismiss its complaint, without costs, and with prejudice" upon the defendant's completing the payment schedule. The effect of such provision is keep this case open for the next ten months. In my view, that is not necessary. Instead, the court will enter an order dismissing this action, with prejudice and without costs, on the following conditions:

1. The defendant shall pay to the plaintiff the total sum of \$3,000.00 in settlement of the case on the following terms: \$300.00 per month commencing August 1, 2010. Said payments shall be made payable to Dubin & Balistreri, Ltd. Client Trust Account;
2. In the event that the defendant is delinquent in any payment, he consents to an Order for Judgment in favor of the plaintiff against the defendant, in the amount of \$6,000.00 less any payments which have been made;
3. Upon full and final payment of this Stipulation, the plaintiff shall provide a Release for any and all claims arising from the pleadings alleged in this case;
4. The court shall retain jurisdiction over this action in order to enforce the parties' agreed terms of settlement, as set forth above. Either party may file a petition with the court for the purpose of reopening the case in order to seek an order enforcing the settlement terms, as set forth above.

NOW THEREFORE IT IS ORDERED that this action be and hereby is **DISMISSED**
WITH PREJUDICE AND WITHOUT COSTS TO EITHER PARTY;

IT IS FURTHER ORDERED that the Clerk of Court enter judgment accordingly;

SO ORDERED this 12th day of July 2010 at Milwaukee, Wisconsin.

BY THE COURT:

s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge